

**TOWN OF DEWEY-HUMBOLDT
BOARD OF ADJUSTMENTS
MEETING MINUTES
APRIL 5, 2007, 5:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENTS HELD ON THURSDAY, APRIL 5, 2007, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIRMAN TERRY NOLAN PRESIDED. COMMISSIONERS BARBARA BARKER, LYDIA CHAPMAN, MIKE GENERALLI AND DOYLE WISTE WERE PRESENT.

CALL TO ORDER

Chairman Terry Nolan called the meeting to order and led the Pledge of Allegiance.

Approval of Minutes from Regular Meeting of February 15, 2007

Commissioner Generalli moved to approve the minutes. The motion was seconded and carried with a vote.

Public Hearing - Medical Variance Request – Parcel 402-24-092 – Mr. Donald Wilber on behalf of Mr. Darrell Purlee

THIS ITEM WAS SET OVER TO APRIL 5 BY THE BOARD OF ADJUSTMENTS AT THEIR FEBRUARY 15th MEETING SO THAT THE APPLICANT COULD PROVIDE A MEDICAL NEED LETTER THAT MEETS THE REQUIREMENTS OF THE P & Z ORDINANCE AND THAT CODE ENFORCEMENT ISSUES COULD BE ADDRESSED IN GOOD FAITH.

Since the February 15th meeting, surrounding property owners were notified of the hearing by mail. Town staff has contacted the owner to clarify the Board's action of February 15th and visited the property. Photos of the property were available at the Board meeting on the 5th of April taken in February and early April.

FROM THE ORIGINAL STAFF REPORT:

A secondary medical dwelling unit is defined as a park trailer or manufactured home with kitchen facilities, used exclusively by an ill, handicapped or elderly person in need of special care or supervision, or a care provider for such a person, if the ill, handicapped or elderly person is the owner or resident of the main dwelling or a relative of the owner or resident of the main dwelling.

The secondary medical dwelling variance must meet the following standards:

- The parcel must exceed thirty-five thousand (35,000) square feet in size and be situated so that it meets the primary setbacks of the applicable density district.
- The property owner shall provide a statement signed by a physician that special care or supervision is required for the ill, handicapped, or elderly relative.

- The same access that serves the main dwelling shall be used for the secondary medical dwelling.
- The owner shall record a covenant running with the land stating that the secondary medical dwelling shall be removed from the property (if not a site built guest home) within ninety (90) days of the date the secondary medical dwelling is no longer occupied by the person specified in the Secondary Medical Dwelling Variance.
- Only one (1) secondary medical dwelling per lot shall be allowed.
- The secondary medical dwelling will not cause adverse effects to surrounding properties.
- The secondary medical dwelling is placed in order to meet separation requirements of current applicable Building and Fire Codes.

Request / Description of Proposal: This request is for a temporary medical use permit to continue use for Medical Dwelling on the site. This would enable Darrell Purlee (son) to continue to live on the property. A doctor's note and letter signed by Rajiv Jetly, M.D. indicates that Mr. Purlee has health problems caused by several operations to his neck and spine. According to this correspondence, Mr. Purlee suffers from degenerative disease of the spine and is unable to work. Correspondence from the Social Security Administration indicates that he is receiving disability benefits under 'code 3180 or mental retardation.'

The Temporary Medical Dwelling Variance was originally issued by Yavapai County in 1998 and has had several extensions with the most recent expiring in February of 2006. During the course of the last few months, several neighbors have expressed their desire that the variance be revoked.

If this variance were granted, the permit would be revoked when the person living in the temporary unit ceased to reside in it. Removal of the structure would be required within 90 days of the permit revocation.

If approved, this variance would be reviewed again in three years. Documents would also be recorded allowing the variance.

Public Participation: Notice was sent to adjacent property owners within 300 feet of the subject property the week of February 5, 2007 (and prior to the April 5, 2007 meeting).

Summary and Evaluation:

At approximately 2 acres (over 87,000 square feet) the site meets the dimensional standard of the Ordinance. The site plan depicts a single access as required.

The Board of Adjustment must weigh the merits of a variance proposal based on the following two criteria:

- A. That there are special circumstances or conditions applicable to the property of application or to the adjacent property or to the neighborhood, that justify request is necessary for the preservation granting of the variance from the

requirements so that strict application would work an unnecessary hardship and that the granting of the request is necessary for the preservation and enjoyment of substantial property rights.

- B. That granting will not materially affect the health or safety of the neighborhood residents or the public health or be injurious to health or improvements.

Chairman Nolan opened the Public Hearing.

Opponents

Phil Genovese 13900 E. Ridge Way
Mark Mounce, 502 West Gail Drive,
Chandler and Scott Mounce 13945 Ridge Way

Proponents

Mr. Don Roberts 13815 Ridge Way commented in support of the variance on behalf of his parents (the applicants) and his brother (Darrell Purlee).

Chairman Nolan closed the Public Hearing.

There was discussion.

The Town Building Inspector, Larry Russell provided additional information regarding the neighborhood and that the property was no longer in a condition that would result in code enforcement issues.

Roger Swenson commented on the use of the term 'temporary' and that it is used to indicate that if conditions change, the dwelling needs to be removed within 90 days.

Medical Variance Request – Parcel 402-24-092 – Mr. Donald Wilber on behalf of Mr. Darrell Purlee

Chapman moved to approve the medical variance request from Donald Wilber on behalf of Darrell Purlee. The motion was seconded and carried unanimously with a roll call vote.

ADJOURN

The meeting was adjourned at 6:05 p.m.

Terry Nolan, Chairman

ATTEST:

Debbie Gifford, MMC Town Clerk